



Glasgow City Council
Planning Local Review Committee

Item 3

7th December 2021

Report by Executive Director of Neighbourhoods,
Regeneration and Sustainability

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**21/00060/LOCAL – 197 Springburn Way, Glasgow.
Use of vacant retail unit (Class 1) as hot food takeaway (Sui Generis) and
erection of flue**

Purpose of Report:

To provide the Committee with a summary of the relevant considerations in the above review.

Ward No(s): 17

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1. LOCATION AND DEVELOPMENT PLAN DESIGNATIONS

- 1.1 The single storey vacant shop unit is located on the north side of Springburn Way, and is part of a parade of shops/commercial premises within Springburn Local Town Centre. A flue would terminate approximately 2.1m above the roof plane at the rear of the property. The hours of operation would be Monday to Sunday, 10:00 to 23:30.
- 1.2 Although signage is indicated on the drawings, this would be subject to a separate application for Advertisement Consent and does not form part of this Review.
- 1.3 The proposal is similar to a previously refused application (20/02289/FUL) except a higher flue is now proposed.

2. DEVELOPMENT PLAN POLICIES

- 1.1 The relevant policies are:
 - CDP1: The Placemaking Principle
 - CDP2 Sustainable Spatial Strategy
 - CDP4: Network of Centres
- 1.2 The relevant Supplementary Guidance is:
 - SG1: The Placemaking Principle
 - SG4: Network of Centre

3. REASONS FOR REFUSAL / RELEVANT CONDITION(S)

- 3.1 The reasons for refusal to which the review relates are:

01. The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.

02. The premises would be adjacent an existing residential building, the proposed use as a hotfood takeaway is contrary to the Outwith the City Centre guidance set out in Assessment Guideline 10c)(i) of Supplementary Guidance SG4: Network of Centres of the Glasgow City Development Plan 2017, and thus such use would be harmful to the residential amenity of neighbouring residential properties.

03. The proposed use of the premises as a hot food takeaway on a street block which already exceeds the 20% limit on the number of units in use as a hot food shop, public house, composite public house/Class 3 or composite hot food shop/Class 3 is contrary to the City-Wide guidance set out in Assessment Guideline 10a)(i)of Supplementary Guidance SG4: Network of Centres of the Glasgow City Development Plan 2017 thus such use would be harmful to the residential amenity of neighbouring residential properties.

4. APPEAL STATEMENT

4.1 The applicant has raised the following issues:

- Unit was previously in use as an opticians, but it has been vacant for some time. The proposed hot food take-away would reduce the Town Centre's vacancy level and increase footfall;
- 10 residential developments have been completed within 3 miles of Springburn Town Centre in the last 10 years, increasing the population, but this growth has not helped Springburn town centre;
- Planning policy does not support commercial development in Springburn Way;
- Hot-food take-aways and deliveries have been important to the public during the pandemic;
- The proposal would create 5-7 full-time jobs, when the effects of the pandemic have led to a high unemployment rate;
- Other hot food take-aways should have been refused planning permission due to their distance from residential properties;
- A qualified mechanical and electrical engineer will review the design of the proposed ventilation and extraction system.

5. REPRESENTATIONS AND CONSULTATIONS

5.1 There were 3 representations, including a petition, to the application for planning permission. One was in support, stating the proposal would help bring jobs to the area, and two, including the petition, were objections. The objections raised concerns regarding over-provision of takeaways in the locality and the proposal's impact on nearby residential properties in terms of noise nuisance, traffic, litter and odour nuisance. There were no representations to the Review.

6. COMMITTEE CONSIDERATIONS

6.1 The following are the suggested Development Plan issues for the Committee's consideration:

- Supplementary Guidance 1 'The Placemaking Principle' (SG1); Alterations to Shops and Other Commercial Buildings seeks to ensure alterations to shops and other commercial buildings enhance the appearance of buildings and the street scene generally, and cause no dis-amenity to neighbours:
 - Flues should be out of sight of public view. The elevation plan submitted suggests the flue would be visible from Springburn Way;
- Supplementary Guidance 4 'Network of Centres' indicates that the Council seeks to maintain a sustainable level of retail within each centre, whilst also supporting other appropriate uses to enhance the vitality and viability of Centres.
- In terms of the requirements of SG4, Assessment Guideline 5 'Proposed Non-Retail uses within Local Town Centres' (AG5), the following are relevant considerations:
 - The proportion of ground floor Class 1 (Retail) units in the Town Centre is less than the SG4 threshold of 70%;
 - There is a pattern of long-term vacancy in the town centre, i.e. the vacancy rate has exceeded 10% for at least 2 preceding years;

- The proposal does not involve the loss of an operating retail unit;
- SG4, Assessment Guideline 10 'Food, Drink and Entertainment Uses' (AG10) seeks to protect residential amenity;
 - Do Committee consider that the proposal would result in a detrimental impact on the amenity of residents through the effects of increased noise, activity and/or cooking fumes?
 - The nearest residential property is at 7 Hillkirk Street. AG10 indicates proposals for Sui Generis uses (e.g.. hot food take away) must not be located immediately adjacent to existing residential buildings. Do Committee consider the proposal is located immediately adjacent to a residential building?
 - No more than 20% of the number of units in a street block containing or adjacent to residential uses should be in use as a hot food shop. The Council's August 2020 survey indicates 23.8% of units in the block are used as a hot food take-away or a public house;
 - Based on local circumstances and the impact of the proposal on residential amenity, do the Committee consider that the proposed hours of operation (Monday to Sunday, 10:00 to 23.30) are appropriate in this case? AG10 indicates hours of operation should not exceed 08:00 to 24:00,
- SG4, Assessment Guideline 12 'Treatment and Disposal of Cooking/Heating Fumes' (AG12) indicates food and drink uses will only be considered favourably if suitable arrangements for the dispersal of fumes can be provided. It sets out the information required to assess this aspect of proposals.
 - Are Committee satisfied the proposed flue would be of a sufficient height to disperse fumes above any nearby property?
 - The applicant has not provided the following information which is required to be provided by AG12:
 - Full specification of the proposed ventilation system;
 - Full maintenance schedule of ventilation system to ensure its continued effectiveness;
- SG4, Assessment Guideline 14 'Waste management and Disposal' indicates that proposals for food, drink and entertainment uses will only be considered favourably if suitable arrangements for the management and disposal of waste can be provided.
 - No details of the proposed arrangements for the management and disposal of waste have been provided by the applicant.

7. COMMITTEE DECISION

7.1 The options available to the Committee are:

- a. Grant planning permission, with or without conditions (see over for draft conditions); or
- b. Refuse planning permission;

8. DRAFT CONDITIONS

8.1 The following are draft conditions for consideration should the Local Review Committee be minded to grant planning permission:

01. Before any work on the site is begun, details of refuse and recycling storage areas and bins shall be submitted to and approved in writing by the planning authority. These facilities shall be completed before the development/the relevant part of the development is occupied

Reason: To ensure the proper disposal of waste and to safeguard the environment of the development.

02. Disposal of Cooking Odours/Fumes

(a) All cooking smells, noxious fumes or vapours from the premises shall be disposed of by means of a duct to the rear of the premises and terminating at a point 2.1 metres above roof level. The duct shall be free from any obstruction such as a plate, cowl, cap or any other deflection at its termination point.

(b) A ventilation and filtration system incorporating at least the following elements shall be installed and operational before the use commences. The elements to be included are:

(i) Canopies - A canopy (or canopies) shall be located above all cooking appliances.

(ii) Air Flow - The canopy face velocity shall be not less than 0.5 m/s.

(iii) Primary Grease Filtration - Labyrinth (baffle) grease filters shall be installed within the canopy or canopies.

(iv) Air Input – An air input system shall be provided by means of a pleated inlet filter, supplying clean filtered air equivalent to at least 80% 'make-up' of the extracted air.

(c) A maintenance/management scheme for the ventilation and filtration system, including all aspects referred to in (a) and (b) above shall be submitted to and approved in writing by the planning authority before the use commences and shall be implemented as approved for the duration of the use.

(d) Mechanical and electrical installations shall be arranged to ensure that the ventilation system is in operation during periods when the premises are open for the preparation and/or cooking of food.

Reason: To protect local residents from nuisance resulting from the disposal of cooking odours.

03. Noise from or associated with the completed development (the building and fixed plant) shall not give rise to a noise level, assessed with windows closed, within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 35 between 0700 and 2200, and Noise Rating Curve 25 at all other times.

Reason: To protect the occupiers of dwellings or noise sensitive buildings from excessive noise.

04. The use of the premises shall be restricted to the following days and hours of operation: Monday to Sunday, 10:00 to 23.30.

Reason: To protect local residents from exposure to noise at unsocial hours.

05. Doors shall open inwards only.

Reason: To ensure that doors do not obstruct pedestrian or vehicle movement or create a safety hazard

Advisory Notes to Applicant

01. Before the ventilation system for the disposal and treatment of cooking odours from the premises is installed, the applicant should submit certification from a member of the Heating and Ventilating Contractor's Association, or other suitably qualified person, to the planning authority, confirming that the proposed system will satisfy the requirements of sections (a) and (b) of the condition relating to the disposal of cooking odours/fumes.

02. Before the use commences, the applicant should, following the testing of the installed ventilation system, submit certification from a member of the Heating and Ventilating Contractor's Association, or other suitably qualified person, to the planning authority, confirming that the installation meets its design specification.